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Attorneys for the Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RODOLFO HERRERA-MENA, Petitioner, v. MICHAEL CHERTOFF, et al., Respondents.	Civil No. 08cv0481-J (LSP EXHIBIT A: DECLARATION OF RAVEN M. NORRIS

I, Raven M. Norris, declare and state as follows:

1. I am employed by the United States Attorney's Office, Southern District of California, as an Assistant United States Attorney. My current employment address is 880 Front Street, Room 6293, San Diego, California, 92101. I am the attorney assigned to the above-captioned matter.

2. On June 13, 2008, I contacted the Department of Homeland Security ("DHS") to determine the custody status of the Petitioner in the above-captioned matter. DHS Officer Gabriela Pacheco informed me that Petitioner had been removed to his home country, Mexcio on the basis that the Ninth Circuit had denied his stay of removal. See 07-73671, Ninth Circuit Docket, copy attached as Exhibit C.

3. Officer Pacheco provided me with the computer print-out, of which a true and correct copy is attached as Exhibit B, that shows that Petitioner was released from DHS custody on April 9, 2008.

Signed this 16th day of June, 2008, in San Diego, California.

/s Raven M. Norris
RAVEN M. NORRIS

EXHIBIT B

DynaComm/Elite

File Edit Settings Connect Transfers Script Window Help

IBIS

DAXL028 DACS CASE COMMENTS LOOK SCREEN DATE: 06/13/2008
TIME: 18:20:54

A-NUM: 092878235 LAST NAME: MENA
NATLTY: MEXIC FIRST NAME: RODOLFO HERRERA

COMMENT 1: CENF: ALIEN PER THE DIRECTIVE OF THE 9THCC. WE ALSO ASKED
(A)AFOD AMARILLAS AND SHE ADVISED US TO REMOVE ALIEN TO

COMMENT 2: CENF: MEXICO AS PER THE DIRECTIVE OF 9THCC AND DCC CACAVIO.
ALIEN WILL BE REMOVED TO MEXICO TODAY 4/09/08. RJR/746

COMMENT 3:

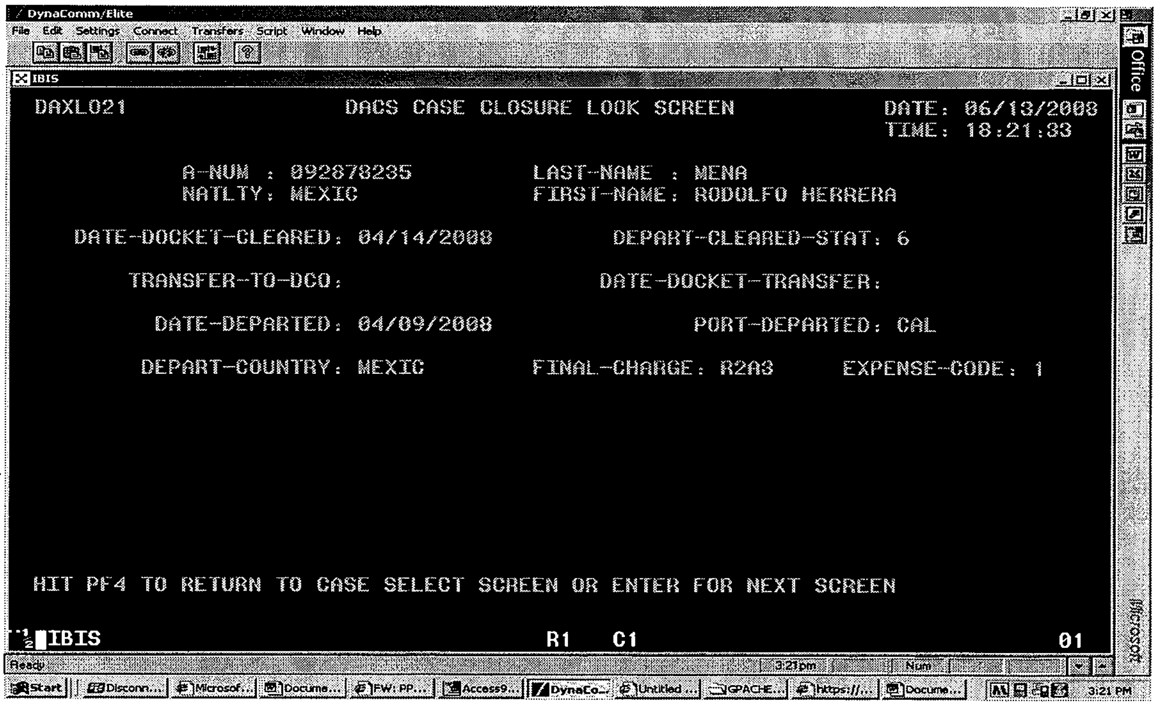
COMMENT 4:

HIT PF1 OR PF2 TO SEE MORE INFORMATION
HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN
LAST PAGE DISPLAYED

IBIS R1 C2 01

Ready 3:20pm Num

Start | Disconn... | Microsof... | Docume... | FW: PP... | Access9... | DynaCo... | Untitled ... | GPACHE... | https://... | Docume... | 3:20 PM



DynaComm/Elite
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IBIS

DAXL021 DACS CASE CLOSURE LOOK SCREEN DATE: 06/13/2008
TIME: 18:21:33

A-NUM : 092878235 LAST-NAME : MENA
NATLTY: MEXIC FIRST-NAME: RODOLFO HERRERA

DATE-DOCKET-CLEARED: 04/14/2008 DEPART-CLEARED-STAT: 6

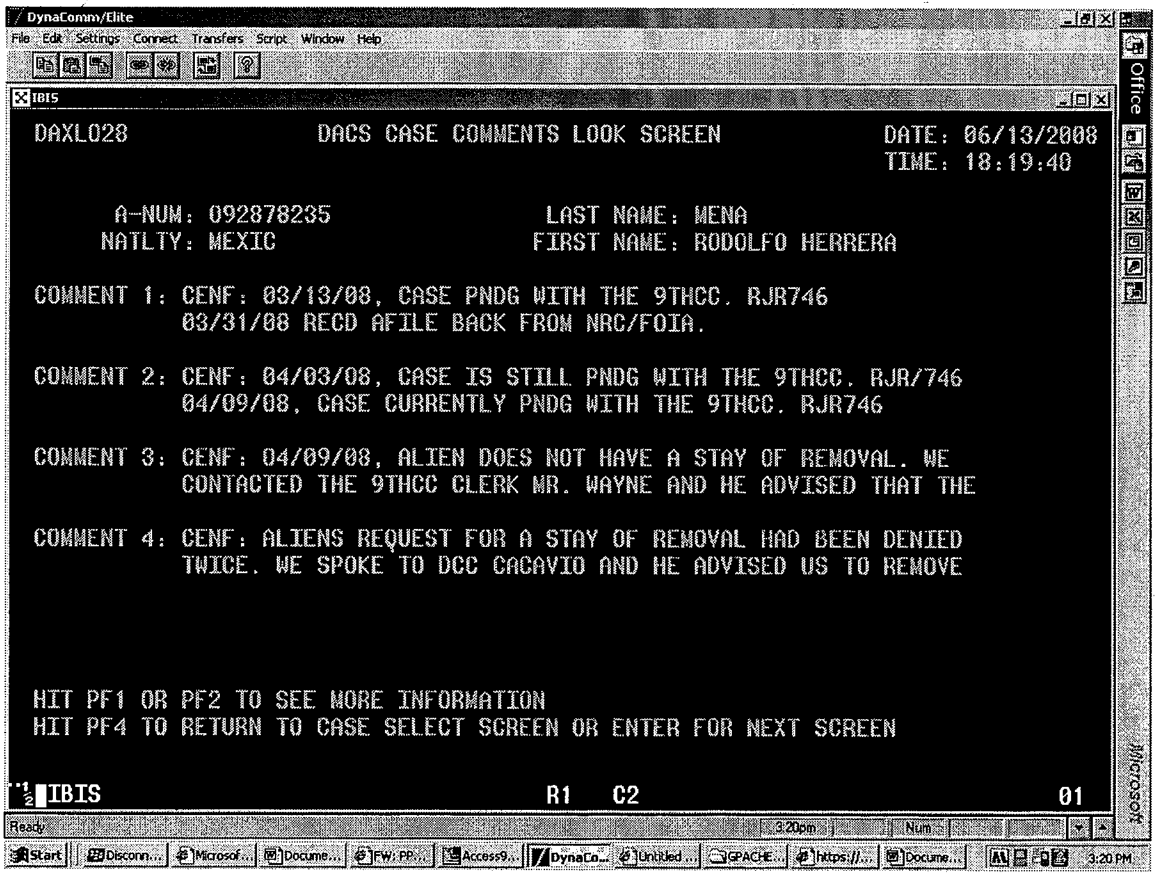
TRANSFER-TO-DCO: DATE-DOCKET-TRANSFER:

DATE-DEPARTED: 04/09/2008 PORT-DEPARTED: CAL

DEPART-COUNTRY: MEXIC FINAL-CHARGE: R2A3 EXPENSE-CODE: 1

HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

IBIS R1 C1 01



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DAXL028 DACS CASE COMMENTS LOOK SCREEN DATE: 06/13/2008
TIME: 18:19:40

A-NUM: 092878235 LAST NAME: MENA
NATLTY: MEXIC FIRST NAME: RODOLFO HERRERA

COMMENT 1: CENF: 03/13/08, CASE PNDG WITH THE 9THCC. RJR746
03/31/08 RECD AFILE BACK FROM NRC/FOIA.

COMMENT 2: CENF: 04/03/08, CASE IS STILL PNDG WITH THE 9THCC. RJR/746
04/09/08. CASE CURRENTLY PNDG WITH THE 9THCC. RJR746

COMMENT 3: CENF: 04/09/08, ALIEN DOES NOT HAVE A STAY OF REMOVAL. WE
CONTACTED THE 9THCC CLERK MR. WAYNE AND HE ADVISED THAT THE

COMMENT 4: CENF: ALIENS REQUEST FOR A STAY OF REMOVAL HAD BEEN DENIED
TWICE. WE SPOKE TO DCC CACAVIO AND HE ADVISED US TO REMOVE

HIT PF1 OR PF2 TO SEE MORE INFORMATION
HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

IBIS R1 C2 01

EXHIBIT C

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 07-73671 **Docketed:** 09/14/2007
Mena, et al v. Mukasey
Appeal From: Board of Immigration Appeals

Case Type Information:
1) agency
2) review
3) San Diego Southern California

Originating Court Information:
District: BIA-1 : A92-878-235
Date Filed: 09/14/2007

Prior Cases:
None

Current Cases:
None

RODOLFO HERRERA MENA Petitioner	Rodolfo Herrera Mena [NTC] 724 Weelo Drive Costa Mesa, CA 92627
v.	
MICHAEL B. MUKASEY, Attorney General Respondent	OIL [COR LD NTC Government] DOJ - U.S. DEPARTMENT OF JUSTICE Civil Division/Office of Immigration Litigation P.O. Box 878, Benjamin Franklin Station Washington, DC 20044 Karen Y. Stewart, Esq., Attorney Direct: 202/616-4886 Fax: 202/616-9366 [COR LD NTC Government] DOJ - U.S. DEPARTMENT OF JUSTICE Civil Division/Office of Immigration Litigation P.O. Box 878, Benjamin Franklin Station Washington, DC 20044 CAS-District Counsel, Esq.

	[COR NTC Government] OFFICE OF THE DISTRICT COUNSEL Department of Homeland Security Suite 1234 880 Front Street San Diego, CA 92101-8897 Ronald E. LeFevre [COR NTC Government] OFFICE OF THE DISTRICT COUNSEL Department of Homeland Security P.O. Box 26449 San Francisco, CA 94126-6449

RODOLFO HERRERA MENA,

Petitioner

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent

09/14/2007	1	FILED **FAXED** INS Petition for REVIEW and Motion for Stay. Docketed Cause and Entered Appearance of Counsel. Pursuant to G.O. 6.4(c)(1)(3) A TEMPORARY STAY OF REMOVAL IS IN EFFECT pending further order. The schedule is set as follows: Pursuant to G.O. 6.4(c)(1)(3), the schedule is set as follows: Cert. Admin. Record due 11/9/07 Response to motion for stay due 12/7/07 for Alberto R. Gonzales (MOATT) [07-73671]
09/14/2007	2	Filed **FAXED** Petitioner Rodolfo Herrera Mena's emergency request for stay (see schedule above) [07-73671] served on 9/14/07 [6289481] (MOATT) [07-73671]
09/14/2007	3	Detained: y [07-73671]
09/24/2007	7	Received Petitioner Rodolfo Herrera Mena's addendum supporting petitioner's motion stay for a stay of removal; served on 9/14/07. (MOATT) [07-73671]
12/03/2007	8	Copy of letter received from OIL to counsel for the petitioner, dated 11/29/07 re: will be filing a copy of record on cd rom with the Ninth Circuit. [07-73671]
12/07/2007	9	Filed Respondent Michael B. Mukasey's opposition to petitioner's request for a stay of removal; served on 12/6/07. (MOATT) [07-73671]
12/07/2007	10	Filed notice of appearance of Karen Y. Stewart as counsel for Michael B. Mukasey [07-73671]
12/11/2007	11	Electronic Certified Administrative Record Filed. CD-ROMS: 1 [07-73671]
12/13/2007	12	Filed Petitioner Rodolfo Herrera Mena reply to respondent's opposition to motion

		for stay of removal; served on 12/12/07. (MOATT) [07-73671]
12/24/2007	14	Filed order (Deputy Clerk: ST) A review of the record suggests that the filing fee for this petition for review remains due. Within 21 days after the date of this order, petitioner shall pay to this court $450.00 filing fee for this petition for review or file a motion to proceed in forma pauperis. Failure to pay the fee or file a motion to proceed ifp, shall result in the automatic dismissal of th epetition for review by the Clerk for failure to prosecute. (cite). The Clerk shall serve a Form 4 financial affidavit on petitioner. (MOATT) [07-73671]
01/08/2008	16	Received INS of payment of $450.00 for filing and docketing fee (date paid: 1/8/08). [07-73671]
02/21/2008	17	Received Petitioner Rodolfo Herrera Mena's pro se motion to appear pro se; served on 2/12/08. (MOATT) [6435302] [07-73671] [07-73671]
02/29/2008	18	Received (FAXED) Petitioner Rodolfo Herrera Mena notice regarding affidavit of Keli M. Reynolds.
03/14/2008	19	Entered appearance of Petitioner Rodolfo Herrera Mena Pro Se.
03/14/2008	20	Filed order (THOMAS G. NELSON and A. WALLACE TASHIMA): The motion for a stay of removal is denied. The Clerk shall file petitioner's motion to appear pro se. Petitioner's motion to appear pro se is granted. The Clerk shall enter on the docket Rodolfo Herrera Mena, El Centro Processing Center, 1115 North Imperial Avenue, El Centro, California 92243, as appearing pro se. Petitioner is reminded that petitioner must notify the court in writing of any change in contact information. The court has been notified that former counsel Keli M. Reynolds, Esq. has forwarded a copy of the certified administrative record ("CAR") to petitioner. Accordingly, petitioner's request that the court send petitioner a copy of the CAR is denied as moot. The CAR has been filed. The opening brief is due June 16, 2008; the answering brief is due August 15, 2008; and the optional reply brief is due within 14 days after service of the answering brief. The Clerk shall serve this order on former counsel Keli M. Reynolds, Esq. and on petitioner individually.
03/14/2008	21	Terminated Keli M. Reynolds for Rodolfo Herrera Mena in 07-73671
03/14/2008	22	Changed Petitioner to Pro Se.
03/26/2008	23	Filed Petitioner Rodolfo Herrera Mena "reapply for emergency stay of removal". Served on 02/27/2008.
03/26/2008	24	Filed Petitioner Rodolfo Herrera Mena motion for appointment of counsel. Served on 03/21/2008.
03/28/2008	25	Filed order (THOMAS G. NELSON and A. WALLACE TASHIMA) Denying Petitioner Motion for appointment of counsel (motion) filed by Petitioner Rodolfo Herrera Mena; Denying Petitioner Motion to stay removal filed by Petitioner Rodolfo Herrera Mena. No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained. The briefing schedule established previously shall remain in effect.
05/14/2008	26	Received notice of change of address dated 05/06/2008 from Rodolfo Herrera Mena. Current new address: 724 Weelo Drive, Costa Mesa, CA 92627.

PACER Service Center			
Transaction Receipt			
06/13/2008 15:22:20			
PACER Login:	du6338	**Client Code:**	
Description:	Docket Report (filtered)	**Search Criteria:**	07-73671
Billable Pages:	2	**Cost:**	0.16